

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

MAY 1 1997

PATRICK FISHER
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee,
v.

JESUS ACOSTA ACEVEDA,

Defendant - Appellant.

No. 96-3195
(D.C. No. 96-CV-3160)
(District of Kansas)

ORDER*

Before **TACHA, BALDOCK** and **LUCERO**, Circuit Judges.

Appellant, Jesus Acosta-Aceveda, requests the grant of a certificate of appealability to review the effectiveness of his counsel at trial. We have reviewed the record and briefs submitted by appellant in their entirety and conclude that he has not made a substantial showing of the denial of his constitutional rights to effective assistance of counsel.

*The case is unanimously ordered submitted without oral argument pursuant to Fed. R. App. P. 34(a) and 10th Cir. R. 34.1.9. This order is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders; nevertheless, an order may be cited under the terms and conditions of 10th Cir. R. 36.3.

Having concluded that he has not made the necessary showing to obtain a certificate of appealability under 28 U.S.C. § 2253(c)(1), we DENY the grant of a certificate of appealability, and DECLINE to review the merits of the judgment of the district court.

ENTERED FOR THE COURT

Carlos F. Lucero
Circuit Judge